

Application No. 10/734,697  
Amendment dated: October 22, 2008  
Reply to Office action of July 24, 2008

### **REMARKS**

This Amendment is filed in response to the Office action that was mailed on July 24, 2008. By this Amendment, Claims 8 and 11 are amended and Claims 9 and 10 are withdrawn. Claims 8-13 are pending in this Application. The amendments do not introduce new matter as they are fully supported by the Claims, Specification and Drawings as originally filed or are inherent characteristics thereof. Applicants respectfully request reconsideration and allowance of all Claims in view of the following remarks.

### **Claim Rejections – 35 U.S.C. § 102**

Beginning on page 2 of the Office action, Claims 8 and 11-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,333,620 to Moutafis et al. (Moutafis '620). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art. *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001). The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The

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elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01.

As to Claim 8, it is indicated in the Office action that Moutafis '620 teaches a method for manufacturing a guidewire (FIG. 2) having a core (52) of a first metallic material (col. 5, lines 3-7); forming the coil (60) of a second metallic material (col. 5, lines 10-13) different than the first metallic material; and mechanically interlocking the coil and the core (at 67). Applicants respectfully traverse this rejection.

Amended independent Claim 8 recites: "A method for manufacturing a guidewire having a core and at least one coil spiraled in a plurality of convolutions around the core, comprising the steps of: forming the core of a first metallic material, the core having a proximal end and a distal end; forming **a first coil** made of a second metallic material different than the first metallic material; forming **a second coil**; **mechanically interlocking the first coil and the distal end of the core**; and **mechanically interlocking the second coil and the proximal end of the core**." (Emphasis added.)

Applicants respectfully submit that Moutafis '620 fails to disclose the method for manufacturing the guide wire comprising providing first and second coils and mechanically interlocking the first coil to the distal end of the core and mechanically interlocking the second coil to the proximal end of the core. Instead, Moutafis '620

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merely discloses providing a single coil and interlocking the one coil to the distal end of the core.

Based on the foregoing, Applicants respectfully submit that Claim 8 is allowable over Moutafis '620 and respectfully request that this rejection be reconsidered and removed. As Claims 11-13 depend from independent Claim 8, Applicants respectfully submit that they are also allowable over Moutafis '620 as depending from an allowable claim and respectfully request that the rejection for these claims be reconsidered and removed as well.

### **Conclusion**

In view of the foregoing remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, reconsideration of the application and allowance of Claims 8 and 11-13 are respectfully requested. Applicants also respectfully submit that the noted features are merely exemplary and/or illustrative and do not disavow any claim scope or define any elements or terms in the claims in such a way other than as recited or provided in the claims and their equivalents. Likewise, any characterization of the features in relation to the claims are merely exemplary and/or illustrative and thus Applicants do not disavow any claim scope or specially define any elements or terms in the claims in such a way other than as recited or provided in the claims and their equivalents. Consequently, Applicants have not advanced every argument for the allowability of the claims over the references of record. As such,

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Applicants do not acquiesce to any of the Examiner's statements or characterizations not specifically traversed. If the Examiner should have any remaining questions or objections, a telephone interview to discuss and resolve these issues is respectfully requested.

Please charge any additional fees, including any fees for additional extension of time, or credit any overpayment to Deposit Account No. 01-2215.

Respectfully Submitted,

APPLIED MEDICAL RESOURCES

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